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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARSHA GINSBURG,

Case No. CV-08-3031 JSW

Plaintiff,

**DEFENDANTS' NOTICE OF UNOPPOSED
MOTION TO DISMISS**

Hearing Date October 3, 2008
Time: 9:00 a.m.
Judge: Hon. Jeffrey S. White
Courtroom: 2

Complaint Filed: June 20, 2008

1 TO THE COURT AND ALL ATTORNEYS OF RECORD:

2 Defendants filed their moving papers related to this Motion on August 15, 2008.
 3 Plaintiff's Opposition was due on August 29, 2008 and Defendants' Reply is due today, September 5,
 4 2008. Please take notice that, to date, no Opposition has been received by Defendants or filed on the
 5 Court's PACER database. Accordingly, Defendants will not be filing a Reply brief. As detailed in
 6 Defendants' moving papers, Plaintiff's Complaint is severely defective and must be altered so that
 7 Defendants can prepare a response. The Court should, therefore, dismiss Plaintiff's Complaint with
 8 leave to amend pursuant to Rule 41(b), or in the alternative, order Plaintiff to file a more definite
 9 statement, pursuant to Rule 12(e).

10 Respectfully submitted,

11 Date: September 5, 2008

LITTLER MENDELSON

12 By: /s/ Lindbergh Porter, Jr.

13 LINDBERGH PORTER
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